

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
NORTHERN DIVISION**

RICKEY STALLINGS,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 2:18-CV-0083 NCC
	)	
CHANTAY GODERT,	)	
	)	
Respondent.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court on petitioner's application for writ of habeas corpus pursuant to 28 U.S.C. § 2254. The petition is successive and shall be summarily dismissed.

Rule 4 of the Rules Governing § 2254 Cases in the United States District Courts provides that a district court shall summarily dismiss a § 2254 petition if it plainly appears that the petitioner is not entitled to relief.

Petitioner pled guilty to first degree burglary, robbery in the second degree, and two counts of felonious restraint on April 9, 1990. He was sentenced by St. Louis County Court on July 6, 1990. Petitioner sought state and federal habeas relief after his conviction. *See Stallings v. Delo*, No. 4:92-CV-666 JCH (E.D.Mo. 1992).

In the instant petition for writ of habeas corpus, petitioner asserts that he was subjected to double jeopardy when he was convicted in 1990. He claims, therefore, that he was convicted and imprisoned illegally. To the extent that petitioner seeks to relitigate claims that he brought in his original petition, those claims must be denied pursuant to 28 U.S.C. § 2244(b)(1). To the extent that petitioner seeks to bring new claims for habeas relief, petitioner must obtain leave from the

United States Court of Appeals for the Eighth Circuit before he can bring those claims in this Court. 28 U.S.C. § 2244(b)(3)(A). Petitioner has not been granted leave to file a successive habeas petition in this Court. As a result, the petition shall be dismissed.

Accordingly,

**IT IS HEREBY ORDERED** that petitioner's request for leave to proceed in forma pauperis [Doc. #2] is **GRANTED**.

**IT IS FURTHER ORDERED** that petitioner's application for writ of habeas corpus is **DENIED AND DISMISSED AS SUCCESSIVE**.

**IT IS FURTHER ORDERED** that no certificate of appealability shall issue.

Dated this 17th day of September, 2018.

/s/ Jean C. Hamilton  
JEAN C. HAMILTON  
UNITED STATES DISTRICT JUDGE